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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,525	08/27/2001	Kyozo Kobayashi	024015-00002	1018

7590 06/18/2002

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EXAMINER

JACKSON, ANDRE L

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 06/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/938,525

Applicant(s)

KOBAYASHI, KYOZO

Examiner

Andre' L. Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Claim Objections

Claims 3-5 are objected to because of the following informalities:

Claim 3, line 3, replace the phrase "the right-and-left both ends" with either --right and left ends-- or --both ends--.

Claims 4 and 5, line 2 respectively, delete "tube" and replace with --tubular--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 5,387,028 to Fulgenzi et al. Fulgenzi et al discloses a seat belt cover (12) comprising a flat tubular member through which seat belts (14) of a motor vehicle is passed to be covered therewith, wherein, the flat tubular member has slit openings or slots (30, 38) disposed at its lower end and upper end. The slits or slots have a width large enough for the seat belts to pass therein but small enough to prevent a through-tongue (28) from passing.

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Referring to claim 2, during operation, the cover is disengaged from a buckle device (18). Retraction of the seat belts moves the cover upward toward elongated guide members mounted on the belts, as seen in Figs. 6A and 6B, which acts to abut the upper end of the cover. At the same time the through-tongue moves upwardly and is received within a portion of the cover abutting against an end surface thereof.

Claims 4 and 5, Fulgenzi et al (Fig. 2) discloses the cover comprises an outside belt-like member (26) and two inside belt-like members (20, 22), which are detachable from each other along a longitudinal direction. The lower ends of the inside belt-like members join to respective sides of an upper end of the outside member to form a flat tube.

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by USPN 4,699,401 to Saenz. Saenz discloses a seat belt cover (20) comprising a plurality of pockets (36, 38, 40) provided on an outer surface thereof.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fulgenzi et al in view of Saenz. Fulgenzi et al discloses all the limitations of applicant's claims except for a pocket being provided on an outer surface of the seat belt cover. Saenz teaches a seat belt cover including a plurality of pockets disposed on an outer surface of the cover. Saenz teaches that pockets can be used for holding various objects or items such as keys, pens or coins for the purpose of storing the objects or items in a convenient location to be readily available for reuse. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to modify the seat belt cover of Fulgenzi et al to incorporate the pockets as taught by Saenz to provide a seat belt cover comprising a pocket or pockets for storing a cellular phone in a convenient location to be readily available for reuse.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saenz. Saenz teaches that the pockets can be used for holding various objects or items such as keys, pens or coins for the purpose of storing the objects or items in a convenient location to be readily available for reuse. However, Saenz does not specifically teach that the pockets are for holding a cellular phone. It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to modify the seat belt cover of Saenz to have pocket or pockets for holding a cellular phone in a convenient location to be readily available for reuse.

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Conclusion

Additional references are cited on the PTO 892 form but were not used to determine patentability of this application instead the references gave background information on seat belt cover devices.

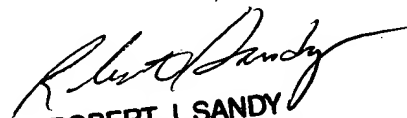
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' L. Jackson whose telephone number is (703) 605-4276. The examiner can normally be reached on Mon. - Fri. (9 am - 5 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (703) 306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1018.

Andre' L. Jackson
Patent Examiner
AU 3677

ALJ
June 6, 2002


ROBERT J. SANDY
PRIMARY EXAMINER